

BOARD OF MAYOR AND ALDERMEN

March 6, 2007

7:30 PM

Mayor Guinta called the meeting to order.

The Clerk called the roll. There were thirteen Aldermen present.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O’Neil,
Lopez, DeVries, Garrity, Smith, Thibault, Forest

Absent: Alderman Shea

CONSENT AGENDA

Mayor Guinta advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Approve under direct supervision of the Department of Highways

- A.** PSNH Pole Petition #11-1149 located on Barry Avenue.

Informational – to be Received and Filed

- C.** Communication from Sharon Wickens, Financial Analyst II, submitting a revenue comparison report relating to licenses and permits for FY2007 and FY2006.
- D.** Manchester Health Department Monthly Report Summary, February 2007.
- E.** Minutes of the Mayor’s Utility Coordinating Committee meeting held on February 21, 2007.

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

- G.** Advising that it has accepted the City’s Monthly Financial Statements (Unaudited) for the seven months ended January 31, 2007 for FY2007 and is forwarding same to the Board for informational purposes.
(Unanimous vote with the exception of Alderman Thibault who was absent.)
- H.** Advising that it has accepted the following Finance Department reports:
 - a) department legend;
 - b) open invoice report over 90 days by fund;
 - c) open invoice report all invoices for interdepartmental billings only;

- d) open invoice report all invoices due from the School Department only;
 - e) listing of invoices submitted to City Solicitor for legal determination; and
 - f) accounts receivable summary
- and is forwarding same to the Board for informational purposes.

(Unanimous vote with the exception of Alderman Thibault who was absent.)

COMMITTEE ON PUBLIC SAFETY AND TRAFFIC

- J.** Recommending that regulations for standing, stopping, parking and operation of vehicles be adopted as noted and those inconsistent therewith be repealed.
(Unanimous vote.)
- K.** Recommending that a request for the painting of shamrocks at the intersections of Elm & Pleasant Streets and Elm & Hanover Streets for the St. Patrick's Day Parade scheduled for March 18, 2007, be granted and approved under the direct supervision of the Manchester Police Department and the Traffic Division of the Highway Department.
- L.** Advising that it has approved the use of Arms Park by B5ONE on Saturday, June 10, 2007 from 9 AM till 4 PM for their annual Treffen der Hamster event.
(Unanimous vote.)
- M.** Advising that it has approved that any future requests for the use of parking lots be referred to the Parking Manager for purposes of coordination with other departments with subsequent referral to this Committee for final approval.
(Unanimous vote.)

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN PINARD, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

- B.** Communication from Robert MacKenzie, Director of Planning/Interim Director of Economic Development, submitting an Economic Development update.

Alderman Lopez stated just briefly, Mr. MacKenzie, if we can put any type of dates of meetings that are coming up in reference to any of these that would help us in the good reports that you've been provided us. One question I have is on JacPac...do you know if there's enough money in there to keep the maintenance going through this process.

Mr. Robert MacKenzie, Director of Planning and Community Development, replied the funds that are available will be running out. I think the bill to MHRA for the '06 year was about \$97,000 so it is getting to a point where we may either have to sell the property or allocate some more money for maintenance, security and all the other issues. But, for the foreseeable future I will check again there was \$100,000 set aside for demolition which we will probably not do but again that might be approximately one year of costs. So, we are running low on those funds.

Alderman Gatsas asked aren't they receiving any revenues from that lease of some \$12,000 or \$18,000 a month from Catholic Medical Center?

Mr. MacKenzie replied yes they are.

Alderman Gatsas asked what is that going towards?

Mr. MacKenzie replied that will go towards the project but again it doesn't totally cover all the expenses on the site.

Alderman Gatsas asked do we know what the revenue is to date?

Mr. MacKenzie replied on the CMC lease.

Alderman Gatsas stated yes.

Mr. MacKenzie stated I do not have up-to-date numbers but I can get that.

Alderman Lopes moved to receive and file the Economic Development update. Alderman Roy duly seconded the motion. There being none opposed, the motion carried.

F. Communication from the Manchester Employees' Contributory Retirement System submitting a Special Report on Retiree Cost of Living Adjustments.

Mayor Guinta stated I pulled off item F because I'd like to entertain a motion to refer it to our City Solicitor for his review and opinion on this letter and report back to the Board of Mayor and Aldermen at the next meeting.

Alderman Roy so moved. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

Report of the Committee on Public Safety and Traffic

- I.** Recommending that a proposal to provide angled parking on Mechanic Street at a cost of approximately \$3,200 in striping and related equipment set up be approved. The Committee notes that 27 additional spaces will be created through this action.
(Unanimous vote.)

Alderman Osborne stated with all the correspondence we received regarding Mechanic Street I'd move to refer it back to the Committee on Public Safety for review. Alderman Long duly seconded the motion. There being none opposed, the motion carried.

Mayor Guinta stated pursuant to Section 3.14(b) of the City Charter, I submit the following nominations:

Airport Authority

Robert Stephen to succeed himself, term to expire March 1, 2010; and
Gary O'Neil to succeed himself, term to expire March 1, 2010.

Senior Services Commission

Ronald Boisvert to succeed himself, term to expire January, 2010; and
Fernand Gelinas to succeed himself, term to expire January, 2010.

Building Board of Appeals

Tyler Carlisle to succeed himself, term to expire January 1, 2010; and
Richard Roberts to succeed himself, term to expire January 1, 2010.

Heritage Commission

Stephanie McLaughlin to succeed herself as an alternate, term to expire
January 1, 2010;
Christopher Newton to succeed himself as an alternate, term to expire
January 1, 2010.

Personnel Appeals Board

Mark Hobson to succeed Linda Capuchino, term to expire March, 2010.

Zoning Board of Adjustment

William Bevelaqua to succeed William Trombly (resignation), term to expire
March, 2010.

Mayor Guinta stated I am also nominating pursuant to Section 3.03 of the City Charter, Mr.
Jay Minkarah as Economic Development Director for the City of Manchester.

Mayor Guinta stated these nominations will layover to the next meeting of the Board
pursuant to Rule 20 of the Board of Mayor and Aldermen.

Alderman Roy moved to suspend the rules and confirm the nominations of persons
succeeding themselves:

Airport Authority – Robert Stephen and Gary O'Neil
Senior Services – Ronald Boisvert and Fern Gelinas
Building Board of Appeals – Tyler Carlisle and Richard Roberts
Heritage Commission – Stephanie McLaughlin and Christopher Newton

Alderman Duval duly seconded the motion. There being none opposed, the motion carried.

Resignation of Joseph Fremeau as member of Central Business Service District

Alderman Roy moved to accept resignation with regrets and appreciation. Alderman Forest
duly seconded the motion. There being none opposed, the motion carried.

OTHER BUSINESS

5. A report of the Committee on Lands and Buildings was presented recommending, that
the Board approve:

1. Memorandum of Understanding between the Manchester Water
Works and the Society for the Protection of New Hampshire Forests;

2. Conservation Easement relating to a portion of 460 plus or minus acres of Water Works land in the Town of Auburn; and
3. An Option Agreement granting the Forest Society the right of first refusal at fair market value for any watershed property that is surplus to City or Water Works needs for public or municipal needs.

The Committee recommends that such documents as contained herein be authorized for execution subject to the review and approval of the City Solicitor.

(Unanimous vote)

Alderman Forest moved to accept, receive and adopt the report of the Committee on Lands and Buildings. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

A second report of the Committee on Lands and Buildings was presented recommending that Robert MacKenzie, Director of Planning and Community Development, work with other City staff to negotiate a purchase and sales agreement for property located at Bass Island known as Tax Map TPK3, Lot 61 to be presented for consideration by the Board of Mayor and Aldermen at the March 20, 2007 meeting of the Board.

(Unanimous vote)

Alderman Smith moved to accept, receive and adopt the second report of the Committee on Lands and Buildings. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

A third report of the Committee on Lands and Buildings was presented recommending that that various properties owned by the City of Manchester and referred to as “so called Wellington Hill Property” be determined surplus to City needs. The Committee further recommends that said property be disposed of through joint effort with the Diocese of Manchester and other property owners as further delineated in documents contained herein. The Committee notes that it is in the best public interest to jointly market and dispose of such parcels to obtain the highest and best use value for said property. The Committee notes that the Board of Assessors has recommended that outside appraisal be accepted in setting the price for said disposition of property.

To proceed with disposition the Committee recommended the following:

1. That the Board of Mayor and Aldermen approve and authorize execution of an agreement with the Diocese of Manchester in a manner set forth and enclosed in a communication from the Office of the City Solicitor dated March 2, 2007; with extensions of time and legal form as appropriate to consummate the transactions intended and approved by the City Solicitor;
2. That the Board of Mayor and Aldermen request the Director of Public Works to submit petitions for release and discharge or discontinuance of paper streets as may be required to complete the transactions of sale with the intent of future actions by the Board of Mayor and Aldermen;
3. That the Board of Mayor and Aldermen concur that said property shall be disposed of as R1A Zoning and request the Planning and Community Development Director to coordinate submission of any petitions to rezone parcels of land necessary to meet such zoning;
4. That the Board of Mayor and Aldermen understand that ordinances authorizing disposition of parcels of tax-deeded land shall be submitted at a future date for adoption to complete property disposition; and

5. That the Board of Mayor and Aldermen agrees to exempt purchase of services for disposition of said property from the Procurement Code of the City in order to allow for the City to be the attorney in fact as stipulated by the agreement with other parties, and request the City Solicitor to prepare an ordinance for adoption at the next meeting of the Board for such purpose.

The Committee notes that it is intended that the ordinances and petitions referenced herein will be submitted to the Board at its next meeting.

(Unanimous vote)

Alderman Pinard moved to accept, receive and adopt the third report of the Committee on Lands and Buildings. Alderman Smith duly seconded the motion.

Alderman Gatsas stated my question is number 3...Mr. MacKenzie, is there anything that's in this parcel that's not zoned R-1A?

Mr. MacKenzie replied yes there are, Alderman. There are two slivers of land, they're not significant but abutting Fox Hollow there's a sliver of multi-family land and abutting Radburn there's a small sliver of R-1B. So the intent of the Committee was to, if required, we would rezone those down so that everything was R-1A. So there would not be an increase in density in fact it would be a decrease in density.

Alderman Gatsas asked do we have signed agreements from all of the abutters that are in the parcels?

Mr. MacKenzie replied as part of this agreement the four other owners within this area would also have to sign the agreement.

Alderman Gatsas stated so we don't have signed contracts as of yet.

Mr. MacKenzie stated no but in order for the agreement to be effective and move ahead for the sale those people would have to sign the agreement.

Alderman Gatsas asked what's the timeframe for allowing this property to be tied up to find out if we get an agreement from the abutters?

Mr. MacKenzie replied it was in there. It seems to me in June of this year was one key that the City had to perform and there was also a subsequent date of February of 2008. So, there were two cutoffs in it...I would have to check to make sure which was which. If I could, your Honor, just to follow-up on that answer...the agreement indicates that the City would have Power of Attorney but that would terminate if the approvals have not been obtained on or before June 30, 2007 and the agreement would also expire if it had not been sold by February 29, 2008...so, 12 months from now.

Alderman Roy stated I'm very much in favor of this but there is a concern with that date of using the word "sold" and February 29, 2008...there's a good chance that this is under agreement but pending subdivision approval or other concerns...Bob is there a provision in there for extension if a Purchase and Sales in hand but we're waiting on something before it's technically closed?

Mr. MacKenzie replied yes if all parties concurred with the extension it could be extended.

Alderman Roy stated thank you.

Alderman O'Neil stated a couple of things. Bob, I want to go back to a comment you just made to Alderman Gatsas. You said there were two slivers of land currently zoned multi-family and they only would be rezoned if required. What I thought I heard at Lands and Buildings at a previous meeting and this afternoon is that they were looking for all property to be 1A...did I hear differently than you did? And, what does it mean "if required"?

Mr. MacKenzie replied I think it would be required only if a future developer wanted or needed that to get approvals. Right now, you cannot put buildings on those areas because the slivers are so narrow. So, it would be appropriate and that's because of lines as they were drawn on the zoning map extended a little bit over. So, these are not large areas these are slivers and as a cleanup we could certainly go in and rezone those to R-1A but they do not realistically make any difference in the number of units that could be built.

Alderman O'Neil stated if this get built out this does not open up those parcels of land to them being developed.

Mr. MacKenzie stated no these slivers are typically like the one abutting Fox Hollow...it ranges from 10 to 40 feet so it's not large enough to put any structures on it.

Alderman O'Neil stated a couple of things I thought Alderman Roy might have brought up this particular issue at Lands and Buildings and I think the intent of the Committee was to get this moving forward although it still needs some work. I think there were some issues that hopefully will get reported back to the Board...that was one of my concerns that this was moving along and then the Board gets out of the loop on it and I hope that's not the case. But, he had specifically mentioned schools...have we reached out not only to schools but City departments regarding what may be needed to additional services, if any?

Mr. MacKenzie replied we have not reached out to the departments with that specific question. We had talked to different departments to see if the land was usable and the way that it's formatted now with all the small lots it's not usable now currently by any departments. We had looked at little bit about what the school impact would be but we did

determine that this wasn't an area that would be a park or that there's any other needs for public services or facilities in that area.

Alderman O'Neil asked is it your understanding that going forward there is still going to have to be regular on-going reports to the Board of Mayor and Aldermen that may or may not require action?

Mr. MacKenzie replied I'm not sure if I understand that question.

Alderman O'Neil stated it wasn't sitting at Lands and Buildings...there were a lot of questions that were unanswered both by you, the Solicitor...I think the intent of the Committee was to keep this moving forward but there are going to be issues that come up and I hope the Board kept involved and if necessary allowed to make decisions on those issues...that this is not the last stop tonight...there were some ordinance changes, etc, etc.

Mr. MacKenzie stated there would be at least two other issues that would have to come to the Board at a subsequent meeting...one dealing with the fact that it's tax deeded property and another dealing with procurement code issues. So, I know those specific ones will have to come back to the Board.

Alderman O'Neil stated I don't know if Attorney Clark wants to say anything.

City Solicitor Clark stated there is a procurement code issue and I think that's going to come in tonight. There will be ordinances...by statute on tax deeded properties you have to do an ordinance and those will be coming in probably the next meeting or the meeting after that for action by this Board. There will also have to be decisions on the roadways whether or not they have to be discontinued and/or released and discharged and come back to this Board.

Alderman O'Neil stated thank you. I would just encourage that even without formal actions the Board be kept involved, as this is a pretty significant project. And, one final question if I can ask Attorney Callahan to please come up. Dan, I want to thank you for your response to be on February 16th...it greatly cleared up what's going on regarding the parcels of land that are up there. I just want to make sure that I'm one hundred percent clear...the roughly 10.78 acres you may use a slightly separate...use the same number 10.78 I think as Mr. MacKenzie...the sale of that portion of the property...100% goes to St. Joe's Parish.

Attorney Dan Callahan stated the net proceeds, which from the Roman Catholic Bishop of Manchester will be the sale under this agreement after the costs all, goes to the benefit of St. Joseph's Cathedral.

Alderman O'Neil stated okay so after costs 100% of the balance goes to St. Joe's Cathedral and nothing to the Diocese itself.

Attorney Callahan stated yes. So the record is clear the way the Diocese was structured, the Roman Catholic Bishop of Manchester is the owner of record of this property. St. George's Church was merged with St. Joseph's Cathedral...St. George would have been the beneficiary of that and because of the merger all of the property is held to the benefit of St. Joseph Cathedral Parish.

Alderman O'Neil stated thank you.

Alderman Gatsas stated Mr. MacKenzie I don't see anywhere in this agreement that it talks about a deed restriction. Is there a reason why it doesn't talk about a deed restriction in this agreement?

Mr. MacKenzie replied I was under the impression that there was an item in there that talked about a deed restriction that would follow with the land.

Attorney Callahan stated paragraph, section 3...page 3 the last sentence..."the parties agree that each purchase agreement will include a provision that the uses of the merged lots shall be limited to permitted uses allowed in the R-1 zoning district in effect at closing. This provision shall be included in deeds transferring title to the merged lots."

Alderman Roy stated Bob on the westerly side of this merged lot there's a large section that appears to be DOT (Department of Transportation) that is raw land which could benefit the development of this property. Has anybody looked into acquiring that from the state or merging it?

Mr. MacKenzie replied that section...that's state ROW is really very steep property. As you may know that is where the cut through goes through the granite so that the slopes are such that it's probably not reasonable to use that for development.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

Deputy City Clerk Johnson stated the final item we have related to this is an ordinance with regard to the purchasing procedure.

"Establishing a special purchase procedure relating to certain land located in the vicinity of Radburn Street and Wellington Hill."

And, should either be referred to the Committee on Bills on Second Reading or there should be a motion to suspend the rules for adoption this evening whichever the Board desires.

Alderman Duval moved to suspend the rules and place the ordinance on its final reading without referral to the Committee on Bills on Second Reading or to the Committee on Enrollment. Alderman O'Neil duly seconded the motion. There being none opposed, the motion carried.

On motion of Alderman Roy, duly seconded by Alderman Pinard, it was voted that the Ordinance be read by title only, and it was so done.

This Ordinance having had its final reading by title only, Alderman Smith moved on passing same to be Ordained. Alderman Garrity duly seconded the motion. There being none opposed, the motion carried.

6. State Legislative update to be presented by Mayor Guinta.

Mayor Guinta stated we have actually included it in the packet so we could provide you a little more time to review it. If anybody has any questions or comments I'll entertain them now otherwise we'll move onto item 7.

Alderman O'Neil asked are we hearing from all the departments that might have some interest with state legislation?

Mr. Mark Laliberte, Assistant to the Mayor, stated I numerously e-mailed department heads...I think about four times in the last month or so and this is everything that they've gotten back to me and I've actually even gone to a couple of them to see what else is out there. So, this is the proverbial...

Alderman O'Neil stated I guess the Police Chief...I don't see Police on here but I'd have to believe that they've been up there on legislation. Chief, have you been up to Concord on legislation.

Alderman Gatsas replied yes.

Alderman O'Neil stated nobody from your department has. The department's need to take this very seriously because we've been caught over the years with difference of opinion and I think it leaves our delegation...I know when I served in the Senate I got caught a number of times taking a position that I thought was the City's and finding out that the department's are taking other positions. So, I appreciate the efforts of your staff but I want to make sure that every department is submitting the reports.

Alderman Forest stated I have one and I believe I spoke to Mark already about it...it's the new inspection law involving emissions control and I know Mark is researching it but there

is one thing that's already passed that's going to affect all City departments who have their vehicles inspected under these new inspection laws mainly because it doesn't allow for an exemption of the City's vehicles. According to the law they must bring them to an outside agency which could cost us about \$90 per vehicle extra and that goes into effect April 1st so I know Mark's looking into it and I'm going to follow-up a little more on it too.

Alderman Gatsas stated for Alderman O'Neil...there was a bill today that I was the prime sponsor on...the nuisance bill that Officer Kincaid from the Police Department came up and testified in favor of which talked about nuisance of property and drugs and the availability of taking over a piece of rental property which the Attorney General brought forward along with I think the collaboration of the County Attorney and the Police Department when we were trying to take back the neighborhoods from drug dealers and crack houses. So, that bill was up there and he did come up and testify in favor of it and I don't see it on the list.

Mayor Guinta stated if it's not on this list then the City per se has not taken a position. I do think that he was up there at the request of the Attorney General, not at the request of either our Chief or my office but to the point, Alderman O'Neil, we can relate to department heads that information needs to be disseminated to us.

Alderman O'Neil stated just a point, your Honor. There's an impression when a City employee is there no matter whether they're officially representing the City or a trade organization they may belong to that it's the City's position. So, even though someone may have been up there at the request of a state agency it gives the impression, in my opinion, to the legislators that they're representing the City so I think anytime they're going up there...they can note on the reference to Mark on behalf of trade organization "XYZ" that that particular department may belong to...they need to inform us of that. Thank you, your Honor.

Mayor Guinta stated I agree.

Alderman DeVries stated to follow up on that point that Alderman O'Neil was just making. On HB346 you don't indicate that you are taking a position at this point in time that that is certainly a controversial piece of legislation dealing with the Retirement System in the state. I think before you represent the position one way or the other which is going to be concluded as the City's position that the rest of this body ought to have the opportunity to be informed what position you are going to take before you have offered any testimony. So if we wish to either concur or disagree with the position that you are taking we have the opportunity to make that known.

Mayor Guinta stated I would never not allow you the opportunity to disagree with me, Alderman.

Alderman DeVries stated I guess I'm asking for a little more than that, your Honor. I'm asking that you would formally notify this body of your testimony.

Mayor Guinta stated that's the purpose of the legislative updates and I'll continue that practice if it's important for this Board to know and how we act as a body as a whole.

Alderman O'Neil stated there are two different issues that you can go up there on. One can be the Mayor's office takes a position and secondly and we may have done it once this year already but in the past the City where it's been a formal vote of this Board has taken a position.

Mayor Guinta stated absolutely. We did it last year on biennial budgeting.

Alderman O'Neil stated there are two: the Mayor has the right to go up there and take the position of his office but if he wants an official action of the City then it has to be this Board I believe.

7. Ordinance:

“Amending the penalties for certain Code Sections listed in 38.06 Penalties and providing for a penalty for failure to pay within 7 days.”

On motion of Alderman Thibault, duly seconded by Alderman Duval, it was voted that the Ordinance be read by title only, and it was so done.

This Ordinance having had its third and final reading, Alderman Duval moved on passing same to be Ordained. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

TABLED ITEMS

8. Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)*

This item remained tabled.

9. Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)*

This item remained tabled.

Alderman Duval moved to remove Items 10 and 11 from the table for discussion. Alderman Smith duly seconded the motion. There being none opposed, the motion carried.

10. Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Five Million Three Hundred Thousand Dollars (\$5,300,000) for the 2007 CIP 713107, Granite Street Reconstruction – Phase 3 Project.”

(Tabled 02/20/2007)

Alderman Duval stated I’ll defer to my colleague. I don’t know if Alderman Smith wanted to speak to number 10...I was concerned with Item 11 as well.

Alderman Smith stated I’d like to ask Frank Thomas to come up please. He has a couple of documents he presented to us and one was in reply to my colleague from Ward 2 (Alderman Gatsas) in regard to the Granite Street budget. Frank, can you explain to us once more the difference between the original contract and the new contract and why we went from \$19 million and increased it.

Mr. Frank Thomas, Public Works Director, stated the information that’s been submitted over the last two or three months has attempted to summarize all that in detail. We had two contracts back in 2005...August I believe we came into the CIP Committee and then ultimately the Board with a recommendation to award the first two contracts...the west side of Granite Street which was incorporated under the state contract and the second contract which was the Granite Street Bridge widening itself. At that time we noted that there was going to be a shortfall in the budget of about \$5.2 million, \$5.15 million at the time. Since then the first two projects are under construction and we came back to the CIP Committee on January 25th to request authorization to proceed with the final contract for the Granite Street widening which was to take the project from Commercial Street to Elm Street at a cost of \$5.3 million and at the same time we requested that additional funds be allocated in that amount. We are ready to move forward with the contract as soon as we receive authorization on the bond.

Alderman Gatsas asked can you tell me in the first two phases did we have a contingency available?

Mr. Thomas replied the overall budget that was proposed in August of 2005 noted a contingency of \$725,000 in the overall budget but at that time we were \$5.1 million short. In other words, we did not have a contingency moving forward at that time.

Alderman Gatsas stated so in the first phase there was no contingency in the project of \$19 million.

Mr. Thomas stated that's correct.

Alderman Gatsas stated that portion of the project...is there a shortfall?

Mr. Thomas replied no there isn't...I guess you lost me.

Alderman Gatsas stated in the first phase of the project.

Mr. Thomas stated the first two contracts...that's correct.

Alderman Gatsas stated the first two contracts there was no contingency.

Mr. Thomas stated there wasn't the contingency that is shown on the sheet that you're referring to the \$725,000. I think I explained that in the detailed letter that I sent out after the last Board meeting. That letter I think was dated February 22nd and it was addressed to Alderman Ted Gatsas with a copy to the Board. In that letter I noted in detail...if you take a look at the numbers they don't add up, however, the column that's important...the "Total" column is correct and if you add it across they basically zeroed out that \$725,000 in contingency because there wasn't any to begin with and that the contingencies or the extra costs on the projects are noted in the center column that noted "Anticipated Needs". So, if you've lost your copy of that...

Alderman Gatsas interjected no I'm just trying to understand that if we didn't do the project for \$5.3 million where would you come up with the shortfall because obviously the first project has about a shortfall of \$669,000 because I'm looking at that middle column.

Mr. Thomas stated no. There wouldn't be a shortfall of \$600,000...there was a shortfall in the first column of \$60,000 and there was a shortfall in the second contract, the bridge contract, of \$160,000. If we didn't move forward with this last final contract we would be forced to cut somewhere in those first two contracts.

Alderman Gatsas stated so the only amount that's short is \$220,000 in that first phase.

Mr. Thomas stated that is correct as so noted in the first two line items on that table.

Alderman Gatsas stated so if we did not do the rest of this project.

Mr. Thomas stated we would have to cut \$60,000 out of Contract C and \$160,000 out of Contract F.

Alderman Gatsas stated how can you do that if we weren't doing those projects?

Mr. Thomas replied we are doing the first two contracts, they're under contract, we have the right to reduce the scope of the contract. We had to go over as noted in the first contract we went over \$60,000 that's being administered by the state. There was a provision in there to increase the contract due to increases in gas costs. The second contract, the bridge contract went up \$160,000 as a result of some unsuitable material that they encountered on the project. Again, if we didn't get the \$5.3 million that we're requesting now I would have to cut those two contracts by that amount to fall within the available funding.

Discussion having concluded Mayor Guinta asked if there was a motion.

On motion of Alderman Lopez, duly seconded by Alderman DeVries, it was voted to read by title only. Alderman Gatsas was duly recorded in opposition and Alderman Shea was absent.

Alderman Garrity moved that the Bond Resolution pass and be Enrolled. Alderman Smith duly seconded the motion. The motion carried with Alderman Gatsas duly record in opposition and Alderman Shea being absent.

11. RESCIND NO PARKING ANYTIME:

On Beech Street, east side, from Webster Street to Amherst Street (ORD. 2622).
(Tabled 02/20/2007)
(Note: clarification submitted by Jim Hoben, Deputy Traffic Director.)

Alderman Duval moved to adopt rescision of the "Rescind No Parking Anytime" on Beech Street, east side, from Webster Street to Amherst Street (ORD. 2622). Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

12. NEW BUSINESS

Report of Committee on Public Safety and Traffic recommending adoption of regulations; and
Communication from Gregory and Barbara Ahlgren requesting to vacate approval of "No Parking Zone" in front of 338 Walnut Hill Avenue Extension.

Alderman O'Neil moved to amend the report by removing the "No Parking Anytime" on Walnut Hill Avenue and referring that item back to the Committee on Public Safety and Traffic and to accept and adopt report as amended. Alderman Duval duly seconded the motion. There being none opposed, the motion carried.

Alderman O'Neil stated I know we're going to go into negotiations but I don't know if we need a motion on this but I'd like to see us make every effort to resolve contracts before the fiscal year is up and I think it can be done. I think it's going to require some work not only on our part, on the department head's part, on the Negotiator's part but this shouldn't be going well into the next fiscal year. I think there's been plenty of lead time and I think this Board needs to go on record that we're going to make every effort on our part and we would expect the same from the departments to get negotiations done before the end of the fiscal year.

Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

Alderman Lopez stated for Randy...could you tell me or if you can't tell me tonight could you get the background information at Bridge and Elm Streets as far as the obligations that they have to us and what is our obligation for the bond and how much money we're receiving and who's paying for that bond now.

Mr. Sherman stated I will have to get back to you on that certainly.

On motion of Alderman Garrity, duly seconded by Alderman Thibault, it was voted to recess the regular meeting to allow a strategy session with the Chief Negotiator.

Mayor Guinta called the meeting back to order.

There being no further business to come before the Board, on motion of Alderman O'Neil, duly seconded by Alderman Roy, it was voted to adjourn.

A True Record. Attest.

City Clerk